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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	85574542
Applicant	Ebab Arfeh
Applied for Mark	THE CRAFTS OUTLET
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Submission	Applicants Request for Remand and Amendment
Attachments	Motion to Remand and Amend Application.pdf(208974 bytes)
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Date	06/29/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

The Trademark Trial and Appeal Board

In re Application of:

Ebab, Arfeh

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Serial No.: 85574542

Examining Attorney: Asmat Khan

Filed: March 20, 2012

Law Office: 114

Mark: THE CRAFTS OUTLET

MOTION TO REMAND APPLICATION

COMES NOW the Applicant Arfeh Ebab (hereinafter “Applicant”), by and through counsel The Trademark Company, and pursuant to TBMP § 1205 *et seq.* as well as the Board’s Order dated June 8, 2015, respectfully moves the Trademark Trial and Appeal Board (hereinafter “Board”) for an order remanding the instant Application to the examination level so that the Applicant may amend the instant application to seek registration on the Supplemental Register, in the alternative, should the Board find that (1) the instant mark is not generic but (2) uphold the refusal on the grounds of mere descriptiveness.

ARGUMENT

A request for remand will be granted upon a showing of good cause. TBMP § 1205.01. Good cause will generally be found, for example, when the amendment is an attempt to comply with a requirement, such as an amendment to the identification of goods or services in response to a requirement for an acceptable identification, or when the amendment will obviate a ground for refusal. *Id.* Whether good cause will be found will also depend, in part, on the stage of the appeal at the time the amendment is filed, including the reason given for the delay. *Id.*

Accordingly, pursuant to TBMP § 1205.01 it is respectfully requested that the Board grant the instant motion and remand the matter to the examining attorney to add in the alternative request that registration be allowed on the Supplemental Register should the Board refuse to reverse the holding of genericness but uphold the refusal under Section 2(e)(1) of the Act. This request is not being filed to delay the instant proceedings but, in good faith, to clarify and limit the goods in the Application so that the instant refusal may potentially be withdrawn.

CONCLUSION

WHEREFORE it is respectfully submitted that good cause exists to grant the requested relief and remand the instant application is otherwise permitted under the TBMP to the Examining Attorney for further consideration of the Application with the request for reconsideration.

Respectfully submitted this June 29th, 2015

/Matthew H. Swyers/
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